

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7525 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PRAMODKUMAR H DAVE & ANR.

Versus

NORTH GUJARAT UNIVERSITY

Appearance:

MR MH RATHOD for Petitioners

MR KV ANJARIA for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/02/97

ORAL JUDGEMENT

1. Heard learned counsel for the parties. The petitioner by way of this petition seeks to challenge the legality and validity of the order dated 17th August, 1992 of the respondent whereunder the petitioner No.1. was dismissed from services with effect from 5-8-1992.

2. It is not in dispute that the petitioner No.1 was dismissed from the services of the University only on the

ground that he was convicted by the Designated Court, Mehsana vide its judgment and order dated 5-8-1992. The petitioner No.1 filed an appeal against the judgment of the Designated Court, Mehsana before this court and it is not in dispute that this court has allowed the appeal of the petitioner No.1 and he has been ordered to be acquitted. After the acquittal of the petitioner No.1 in the criminal case, may be by the appellate court, the ground on which he was ordered to be dismissed from the services, no more survives. The order dated 17th August, 1992 of the respondent dismissing thereunder the petitioner No.1 from services cannot be allowed to stand.

3. In the result, this Special Civil Application succeeds and the order dated 17th August, 1992 passed by the respondent-University dismissing thereunder the petitioner No.1 from services is quashed and set aside and the petitioner No.1 shall be entitled for all the consequential benefits which follows from the setting aside of the aforesaid order. However, the acceptance of this Special Civil Application will not come in the way of the respondent-University to proceed against the petitioner No.1 by way of departmental inquiry, if the law so permits. Rule is made absolute in the aforesaid terms with no order as to costs.

zgs/-